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1638 #

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas G. ROITSCH

Conf. No. 3226

Application No.: 10/009,966

Examiner: David T. Fox

Filed: December 12, 2001

Art Unit: 1638

For: PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME

Atty Docket: 3524.012

Customer No.: 000041288

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

1. This petition is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. 1.48(a) as set forth and filed on December 12, 2001.

2. Addition of Inventor(s)

Add the following previously unnamed person(s) as inventor(s) of this application: Dr. Marc Götz, whereby the correct inventorship will be: Thomas Roitsch and Marc Götz.

3. Statements from the following are attached:

a. the person being added as an inventor, that the error in inventorship occurred without deceptive intention on his or

U.S. Patent Application No.: 10/009,966  
AMENDMENT, PETITION AND FEE TO ADD TO ORIGINAL

Attorney Docket: 3524.012

her part. 37 C.F.R. § 1.48(a)(2) (Declaration Under 37 C.F.R. § 1.132);

b. declarations by the actual inventors as required by 37 C.F.R. § 1.63. 37 C.F.R. § 1.48(a)(3); and

c. written assent of the assignee (*if any of the original inventors executed an assignment*) 37 C.F.R. 1.48(a)(5).

4. Applicant submits the required processing fee of \$130 as set forth in 37 C.F.R. §1.17(i).

Respectfully submitted,



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John J. Martinez  
Registration No. 48,254

PENDORF & CUTLIFF  
5111 Memorial Hwy  
Tampa, Florida 33634-7356  
(813) 886-6085

Date: **March 23, 2005**


U.S. Patent Application No.: 10/009,966  
AMENDMENT, PETITION AND FEE TO ADD TO ORIGINAL

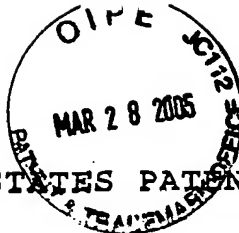
Attorney Docket: 3524.012

**CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE**

I hereby certify that the foregoing Petition To Correct Invenotrship under 37 C.F.R. § 1.48(a), Declaration Under 37 C.F.R. §1.132, 2 Declaration and Powers of Attorney, and Written Assent of the Assignee, for U.S. Application No. 10/009,966 filed **December 12, 2001**, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop PETITIONS, P. O. Box 1450, Alexandria, VA 22313-1450 on **March 23, 2005**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time, except the Issue Fee, during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
\_\_\_\_\_  
John J. Martinez



PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas ROITSCH

Application No.: 10/009,966

Filed: December 12, 2001

For: PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME

Atty Docket: 3524.012

DECLARATION UNDER 37 C.F.R. §1.132

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

Marc Goetz deposes and states:

1. That he contributed to the conception of the invention described and claimed in the above-identified U.S. Patent Application entitled "Promoter System and Production and Use of the Same," which was filed on December 12, 2001, and which bears U.S. Serial No. 10/009,966;
2. That he was omitted in error as an inventor on the Declaration that was filed with the application identified above in paragraph one filed on December 12, 2001, and that

U.S. Application No.: 10/009,966  
DECLARATION UNDER 37 CFR §1.132

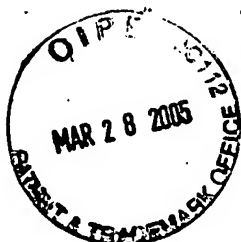
Attorney Docket: 3524.012

said error in the inventorship of the application occurred without deceptive intent on his part; and

3. That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed 15/7, 2003

  
Marc Gostz



JOINT  
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Serial No.: 10/009,966  
Page 1 of 2

### DECLARATION AND POWER OF ATTORNEY

As a below-named co-inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter, which is claimed and for which a patent is sought in the application entitled:

#### PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME

This declaration is directed to:  
the attached application  
(for original application)

X Application No. 10/009 966  
filed December 12, 2001, and amended on  
June 3, 2002  
(this declaration is not accompanying the application)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed (yes or no)
299 09 998.9	Germany	June 12, 1999	yes
200 05 992.0	Germany	April 4, 2000	yes
200 07 494.6	Germany	April 26, 2000	yes

I hereby appoint Stephan A. Pendorf, Reg. No. 32,665; Yaté K. Cutliff, Reg. No. 40,577 Evelyn A. Defillo, Reg. No. 45,630, Carrie L. Boocheck, Reg. No. 50,712, Christopher J. Kay, Reg. No. 44,820, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to Stephan A. Pendorf at Pendorf & Cutliff, P.O. Box 20445, Tampa, FL 33622-0445.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date \_\_\_\_\_ First Inventor Thomas ROITSCH  
First Name Middle Initial Last Name


Residence same as mailing Signature \_\_\_\_\_

Mailing Address Stauferstrasse 54

Citizenship Germany D-97076 Würzburg, GERMANY

**JOINT**  
**ATTY DOCK: 3524.012**  
Serial No.: 10/009,966  
Page 2 of 2

(DECLARATION AND POWER OF ATTORNEY, cont.)

Date 15/7/03 Second Inventor Marc GOETZ  
First Name Middle initial Last Name  
Residence same as mailing Signature   
Mailing Address 35 Finlayson Street  
Citizenship Germany Netherby, SA 5062; Australia



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 ATTY DOCK: 3524.012  
 Serial No.: 10/009.966  
 Page 1 of 2

## DECLARATION AND POWER OF ATTORNEY

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My residence, mailing address and citizenship are as stated below next to my name.

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 the attached application  
 (for original application)

X Application No. 10/009.966  
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June 3, 2002  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001; and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 17.07.03 First Inventor Thomas ROITSCH  
First Name Middle Initial Last Name  
 Residence same as mailing Signature [Signature]  
 Mailing Address Staufersstrasse 54  
 Citizenship Germany D-97076 Würzburg, GERMANY



JOINT

ATTY DOCK: 3524.012

Serial No.: 10/009,966

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## (DECLARATION AND POWER OF ATTORNEY, cont.)

Date \_\_\_\_\_ Second Inventor Marc GOETZ  
First Name Middle Initial Last Name

Residence \_\_\_\_\_ Signature \_\_\_\_\_

\_\_\_\_\_ Mailing Address 35 Finlayson Street

Citizenship \_\_\_\_\_ Netherby, SA 5062; Australia

**BAYERISCHE  
JULIUS-MAXIMILIANS-UNIVERSITÄT  
WÜRZBURG  
DER KANZLER**



Universität Würzburg, Sanderring 2, 97070 Würzburg



Würzburg, 07.07.2003

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Gz.: 04 - 103.180-2/01  
(bei Rückantwort bitte unbedingt angeben!)

Sachbearbeiter: Herr Leber  
Zimmer 222

**US patent application no. 10/009,966**

The Free State of Bavaria, represented by the Julius-Maximilians-Universität Würzburg,  
agrees to the nomination of

Dr. Marc Götz  
8CSIRO Plant Industry  
PO Box 350  
Glen Osmond SA 5064  
Australia

as co-inventor with Prof. Dr. Roitsch for the US patent application

No. 10/009,966  
entitled „Promoter system and production and use of same“.

B. Forster  
Chancellor of the University